REMARKS

Applicants are filing this Reply and Response under 37 CFR §1.111 in response to the Examiner's Restriction requirement and Election of claims for prosecution under 35 U.S.C. § 121 and rejection of Applicants' Claims 16, 17, 18 and 23 and 24 under 35 U.S.C. § 112 and provisional rejection of Claims 1-27 under the judicially created doctrine of obviousness-type double patenting.

The Election/Restrictions

In the Office Action, mailed May 27, 2005 the Examiner required affirmation of the election made without traverse to prosecute the invention of Group I, Claims 1-27 and withdrawal of Claims 28-43 from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Applicants made a provisional election in a preliminary amendment filed on April 4, 2005 under 35 U.S.C. § 121 to prosecute the invention of Group I, claims 1-27.

Group I. Claims 1-27, drawn to a catalyst and method for the production thereof, classified in class 502, subclass 78.

Group II. Claims 28-43, drawn to an alkylation process, classified in class 585, subclass 400+.

Applicants affirm the election without traverse of Group I, Claims 1-27, for prosecution on the merits. Group II, Claims 28-43, have been cancelled without prejudice to Applicants filing a divisional application to the subject matter contained therein.

The Rejections

Claim Rejections – 35 USC § 112

Claims 16, 17, 18 and 23 and 24 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states:

> These claims are indefinite in the recitation of "suitable" because this is not defined terminology.

Claim 18

Applicants are unable to determine the reason for Examiner's rejection of Claim 18 since Claim 18 does not contain the term "suitable", nor does it depend from a claim that contains the term "suitable". Applicants would appreciate the Examiner explaining the rejection of Claim 18 under 35 USC § 112, second paragraph so that Applicants could make a response to her rejection.

Claims 16, 17 and 23 and 24

Claims 16 and 23 are cancelled to obviate the rejection under 35 USC § 112, second paragraph and to further the prosecution. Claims 17 and 24 have been amended to correct their dependency.

Double Patenting

The Examiner has provisionally rejected Applicants' Claims 1-27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 68-85 of Applicants' co-pending Application No. 10/799,907. The Examiner has found the conflicting claims not identical, but not

patently distinct from each other because they differ from one another only in that the co-pending claims require mordenite. This component is not excluded from the instant claims however.

A terminal disclaimer is filed with this paper to obviate the Examiner's rejection of Claims 1-27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 68-85 of Applicants' co-pending Application No. 10/799,90 and to further prosecution.

For the foregoing reasons, it is submitted that Applicants' amended Claims 1-27 particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, allowance of amended Claims 1-27 is respectfully requested.

Respectfully submitted,

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Enclosures
June 13, 2005